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46320	7590	06/05/2006	EXAMINER	
CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP			ROSWELL, MICHAEL	
STEVEN M. GREENBERG			ART UNIT	
1300 CORPORATE CENTER WAY			PAPER NUMBER	
SUITE 105G			2173	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,840

Applicant(s)

PAGAN, WILLIAM GABRIEL

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4, and 7 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Performing a pre-defined window manipulation operation, separate from a focus change operation, upon an inactive document window, which is critical to the practice of the invention, is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Amended claims 1, 4, and 7 include the limitation, “performing a pre-defined window manipulation operation, separate from a focus change operation, upon an inactive document window, which is critical to the practice of the invention”. The factual evidence found in applicant’s specification does not support such a negative limitation. While applicant has disclosed many types of window manipulation operations, the specification fails to disclose an embodiment of the invention wherein a focus change operation is separate from other pre-defined window operations, as now required by the claims. As a result, all claims dependent on claims 1, 4, and 7 are similarly rejected.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and Beaudet et al (US Patent 5,491,795), hereinafter Beaudet.

Regarding claims 1 and 7, in Applicant's Fig. 1 and on pages 2-3 of the disclosed specification, Applicant allows for a pull-down menu in an activated open document window with a listing of open document windows and corresponding interactive user interface elements (taught as the ability to select a window through the pull-down menu using point-and-click methods), and responsive to the activation of one of the interactive user interface elements, performing a pre-defined window manipulation operation upon an inactive open document window corresponding to the selected interactive user interface element (taught as the change of focus from the active window to the selected inactive window). Inherently, the software of the admitted prior art is stored and accessed through machine-readable storage.

However, Applicant's admitted prior art fails to explicitly teach performing a pre-defined window manipulation operation, separate from a focus change operation, upon an inactive open document window.

Beaudet teaches a window management system wherein a window list is presented to the user and through the manipulation of an interactive element allows for window management operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of the admitted prior art and Beaudet before him at the time the invention was made to modify the pre-defined window manipulation through pull-down menus of the admitted prior art with the interactive window list control system of Beaudet, in order to obtain a pull-down

menu listing windows capable of being operated upon through manipulation of an interactive element in the menu.

One would be motivated to make such a combination due to the fact that the pull-down menu presents a list of windows to the user, as does the window control management system of Beaudet. One would further be motivated to make such a combination for the advantage of the increased functionality provided by Beaudet over the simple focus change allotted by Applicant's admitted prior art. See Beaudet, col. 2, lines 1-9.

Regarding claims 2 and 8, the admitted prior art teaches generating a window manipulation event in response to the activation of an interactive user interface element (the change of focus after the selection of a window from the pull-down menu). Inherently, the window manipulation event is processed in a message handling routine associated with the activated open document window, and identifies the inactive open document window corresponding to the interactive user interface element, posts a window manipulation event to the identified inactive open document window, and processes the posted window manipulation event in a message handling routine associated with the inactive open document window, allowing for the focus control change from the active window to the selected inactive window. Inherently, the software of the admitted prior art is stored and accessed through machine-readable storage.

Regarding claims 3 and 9, the admitted prior art has been shown to teach a pre-defined window manipulation operation for an inactive window selectable through a pull-down menu.

However, the admitted prior art fails to explicitly teach performing a window close operation, print window operation, and a file save operation through the pull-down window.

While Beaudet does not explicitly teach the use of a print window or file save operation through the disclosed window management system, such operations are well-known window and file operations and would be obvious to include in the window management of Beaudet, such as in the right-click menu of Microsoft Internet Explorer, that allows the user to print or save a displayed file. The Examiner takes OFFICIAL NOTICE of these teachings.

Regarding claim 4, the admitted prior art teaches a pull-down menu disposed in an active open document window, a list of open document windows disposed in the pull-down menu, and a set of activatable interactive user elements disposed in the pull-down menu corresponding to one of the listed open document windows (see Applicant's Fig. 1).

However, the admitted prior art fails to explicitly teach including a set of interactive user elements corresponding to listed open document windows, positioned adjacent to a corresponding open document window, and an event handler configured to post pre-defined window manipulation events to inactive open document windows associated with activated ones of the activatable interactive user elements, and wherein the pre-defined window manipulation events are separate from a focus change operation.

Beaudet teaches a window management system wherein a window list is presented to the user and through the manipulation of an interactive element allows for window management operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49. As can be seen in Figs. 1, 2, and 4, Beaudet also teaches positioning an interactive element adjacent to the listed name of an open document window. Beaudet further teaches an event handler configured to post pre-defined window manipulation events to inactive open document windows associated with activated ones of the activatable interactive user elements, taught as the ability

to perform window management operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of the admitted prior art and Beaudet before him at the time the invention was made to modify the pre-defined window manipulation through pull-down menus of the admitted prior art with the interactive window list control system of Beaudet, in order to obtain a pull-down menu listing windows capable of being operated upon through manipulation of an interactive element in the menu.

One would be motivated to make such a combination due to the fact that the pull-down menu presents a list of windows to the user, as does the window control management system of Beaudet. One would further be motivated to make such a combination for the advantage of the increased functionality provided by Beaudet over the simple focus change allotted by Applicant's admitted prior art. See Beaudet, col. 2, lines 1-9.

Regarding claim 5, Beaudet has been shown *supra* to teach activatable interactive user elements that a user may manipulate to perform a variety of window functions. However, Beaudet fails to explicitly teach these interactive user elements being buttons. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a button as the interactive element of Beaudet, for the simple reason that the interactive user elements of Beaudet function in a manner almost exactly similar to applicant's claimed button. See Beaudet, col. 4, lines 46-55, wherein the interactive user element (icon) is manipulated by a single user mouse-click, much like the selection of a generic interface button, as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Beaudet to obtain the invention as specified in claim 5.

Regarding claim 6, Beaudet has been shown *supra* to teach a close window event associated with an interactive element of the disclosed window management system (see col. 7, lines 45-49).

Regarding claim 10, in Applicant's Fig. 1 and on pages 2-3 of the disclosed specification, Applicant allows for a pull-down menu in an activated open document window with a listing of open document windows and corresponding interactive user interface elements (taught as the ability to select a window through the pull-down menu using point-and-click methods), and responsive to the activation of one of the interactive user interface elements, performing a pre-defined window manipulation operation upon an inactive open document window corresponding to the selected interactive user interface element (taught as the change of focus from the active window to the selected inactive window). Inherently, operations performed on windows are operating system services, and thus the admitted prior art teaches performing pre-defined operating system services manipulations.

Beaudet teaches a window management system wherein a window list is presented to the user and through the manipulation of an interactive element allows for window management operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49. As can be seen in Figs. 1, 2, and 4, Beaudet also teaches positioning an interactive element adjacent to the listed name of an open document window.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of the admitted prior art and Beaudet before him at the time the invention was made to modify the pre-defined window manipulation through pull-down menus of the admitted prior art with the interactive window list control system of Beaudet, in order to obtain a pull-down menu listing windows capable of being operated upon through manipulation of an interactive element in the menu.

One would be motivated to make such a combination due to the fact that the pull-down menu presents a list of windows to the user, as does the window control management system of Beaudet. One would further be motivated to make such a combination for the advantage of the increased functionality provided by Beaudet over the simple focus change allotted by Applicant's admitted prior art. See Beaudet, col. 2, lines 1-9.

Regarding claim 11, the admitted prior art teaches generating a window manipulation event in response to the activation of an interactive user interface element (the change of focus after the selection of a window from the pull-down menu). Inherently, the window manipulation event is processed in a message handling routine associated with the activated open document window, and identifies the inactive open document window corresponding to the interactive user interface element, and posts a window manipulation event to the identified inactive open document window, allowing for the focus control change from the active window to the selected inactive window. Inherently, operations performed on windows are operating system services, and thus the admitted prior art teaches performing pre-defined operating system services manipulations.

Regarding claims 12-14, Beaudet teaches interactive user interface elements being positioned separately from the listing of open document windows, as can be seen in Figs. 1, 2, and 4.

Response to Arguments

Applicant's arguments filed 3 February 2006 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-2, 7-8 and 10-11 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments of pages 8-11 that the motivation to combine applicant's admitted prior art and Beaudet is lacking factual support, the examiner has clarified the rejection of the claims to contain more support from the Beaudet reference. Specifically, the examiner believes that one would be motivated to make such a combination for the advantage of the increased functionality provided by Beaudet over the simple focus change allotted by Applicant's admitted prior art. See Beaudet, col. 2, lines 1-9. As applicant's admitted prior art already teaches one type of window manipulation operation, one would have been motivated to expand upon that functionality by including the operations provided by Beaudet.

In response to applicant's arguments of pages 11-13 that the combination of applicant's admitted prior art and Beaudet fails to teach the claimed invention, the examiner respectfully disagrees. Applicant has stated that the "obvious" modification would be to include the entire control window of Beaudet in the pull down menu of applicant's admitted prior art. However, while such a combination would be one obvious modification, other such modifications do exist, and are believed to be equally obvious, such as the inclusion of the interactive icons of Beaudet into the menu of applicant's admitted prior art. Further, applicant argues that Beaudet not

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performing such a modification is evidence that the claimed invention is not obvious to one of ordinary skill in the art. The examiner contends that just because a modification is obvious does not necessitate that it must be done in every instance. Therefore, the examiner feels that ample support and motivation remains for the combination and modification of applicant's admitted prior art and the Beaudet reference.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeza can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Roswell
5/24/2006



TADESSE HAILU
Patent Examiner